

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

ST. PAUL STAMP WORKS, INC. d/b/a	)	
ALLEN MARKING PRODUCTS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 05-349-CV-W-FJG
	)	
ALLEN MARKING PRODUCTS, INC.,	)	
DISCOVER RUBBER STAMPS, INC.;	)	
HOWARD K. HENDRICKS,	)	
Jr.; and BRIAN C. HENDRICKS,	)	
	)	
Defendants.	)	
	)	

**ORDER**

Currently pending before the Court is plaintiff's Motion for Default Judgment and Summary Judgment (Doc. # 40) filed on March 30, 2006. Defendants' response to the motion was due on April 14, 2006. On April 28, 2006, the Court issued an Order to Show Cause directing defendants to show cause in writing by May 8, 2006 why the Motion for Default Judgment and Summary Judgment should not be granted. The Court warned defendants that failure to comply with the Order would result in the Motion for Default Judgment and Summary Judgment being granted without further notice. Defendants have failed to comply with the Order to Show Cause or to file a Motion for Extension of Time to Comply with the Order.

Accordingly, IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff St. Paul Stamp Works, Inc.'s Motion for Default Judgment and Summary Judgment on Counts I, II, and III of its Complaint is hereby **GRANTED**, and Judgment shall be entered as

follows:

1. Pursuant to 15 U.S.C. § 1116(a) and § 417.061 of the Missouri Revised Statutes, all Defendants, their agents, servants, representatives, successors, assigns, and others in active concert or participation with them, are permanently enjoined and restrained:

a. From using the ALLEN MARKING PRODUCTS name, mark and logo, or any variations of the ALLEN MARKING PRODUCTS name, mark or logo, or any other name, mark or logo confusingly similar to the ALLEN MARKING PRODUCTS name, mark or logo, in connection with any service or product, on the Internet or in any other medium;

b. From establishing or maintaining any economic or business relationships in any form with any telephone or facsimile user who used the 913-381-5424 and/or the 913-341-8809 telephone numbers, while attempting to reach Plaintiff;

c. From establishing or maintaining any economic or business relationships in any form with any Internet user who used the [www.allenmarkingproducts.com](http://www.allenmarkingproducts.com) or [www.allenmarking.com](http://www.allenmarking.com) domain names while attempting to locate Plaintiff's Internet site, and was diverted to [www.discoverrubberstamps.com](http://www.discoverrubberstamps.com);

d. From using any other trademark, service mark, trade name, corporate name, word, or symbol, or doing any other act likely to induce the belief that Defendants' products, services, or business are Plaintiff's products, services, or business or that Defendants are in any way connected, endorsed,

sponsored, or associated with Plaintiff or with Plaintiff's products, services, or business or doing any other acts likely to injure Plaintiff's business reputation;

e. From otherwise engaging in acts of unfair competition and interference with Plaintiff's business relationships;

2. All Defendants shall permanently relinquish any and all interest in the 913-381-5424 and the 913-341-8809 telephone numbers;

3. All Defendants shall permanently relinquish any and all interest the domain names [www.allenmarkingproducts.com](http://www.allenmarkingproducts.com) and [www.allenmarking.com](http://www.allenmarking.com);

4. Pursuant to 15 U.S.C. § 1117(a), Defendants Allen Marking Products, Inc. (n/k/a DRS, Inc.), Discover Rubber Stamps, Inc. and Howard K. Hendricks, Jr. are jointly and severally liable on Count I (trademark infringement). Plaintiff states that because Howard Hendricks failed to respond to discovery requests seeking information on defendants' sales, plaintiff has inadequate information regarding defendants' profits. Plaintiff states that if the Court determines that the defendants' profits present an issue of fact that would preclude the entry of final judgment, plaintiff will voluntarily forego an award of defendants' profits. Without any evidence, the Court is unable to make an award of damages on this Count. Therefore, pursuant to plaintiff's request, the Court will not award any damages on this count;

5. Pursuant to 15 U.S.C. § 1117(a), Defendants Allen Marking Products, Inc. (n/k/a DRS, Inc.), Discover Rubber Stamps, Inc. and Howard K. Hendricks, Jr. are jointly and severally liable for Plaintiff's costs of this action. Plaintiff is directed to submit an Affidavit of Costs for this Court's approval within twenty (20) days of this Order;

6. Pursuant to 15 U.S.C. § 1117(d), Defendants Allen Marking Products, Inc.

(n/k/a DRS, Inc.), Discover Rubber Stamps, Inc. and Howard K. Hendricks, Jr. are jointly and severally liable on Count II (cyberpiracy) for statutory damages in an amount of \$15,000 per domain name, for each of the www.allenmarkingproducts.com and www.allenmarking.com domain names, for a total award of \$30,000, which shall be paid to Plaintiff;

7. This case is an "exceptional case" under 15 U.S.C. § 1117(a), and Defendants Allen Marking Products, Inc. (n/k/a DRS, Inc.), Discover Rubber Stamps, Inc. and Howard K. Hendricks, Jr. are jointly and severally liable for Plaintiff's reasonable attorneys' fees. Plaintiff is directed to submit an Affidavit of Attorneys' Fees for this Court's approval within twenty (20) days of this Order;

8. The preliminary injunction entered by this Court required Defendant Allen Marking Products, Inc. to change its corporate name. (Docket No. 16 ¶ 5.) Defendant Allen Marking Products, Inc. is now known as "DRS, Inc." (Docket No. 21 ¶ 8.) Thus, this Order and Judgment shall be binding against DRS, Inc. (f/k/a Allen Marking Products, Inc.).

9. Upon the granting of its motion, Plaintiff voluntarily withdraws Counts IV, V and VI of its Complaint so that final judgment may be entered at this time. Therefore, Counts IV, V and VI of Plaintiff's Complaint are hereby dismissed.

Date: July 19, 2006  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
United States District Judge